

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE	§	
	§	
COINTERRA, INC.	§	CASE NO. 15-10109-HCM
	§	
DEBTOR	§	CHAPTER 7
	§	

**MOTION TO REJECT UNEXPIRED NON-RESIDENTIAL
LEASES WITH INFINITI INVESTORS, LLC**

This pleading requests relief that may be adverse to your interests.

If no timely response is filed within twenty-one (21) days from the date of service, the relief requested herein may be granted without a hearing being held. A timely filed response is necessary for a hearing to be held.

TO THE HONORABLE H. CHRISTOPHER MOTT, U. S. BANKRUPTCY JUDGE:

COMES NOW Randolph N. Osherow, Trustee in the above referenced proceeding (“Trustee”), and pursuant to 11 U.S.C. § 365, files this *Motion to Reject Unexpired Non-Residential Leases with Infiniti Investors, LLC*, and in support thereof would respectfully show the Court the following:

1. Debtor filed its voluntary petition for relief pursuant to Chapter 7 of Title 11 of the United States Code on January 24, 2015, at which time Randolph N. Osherow was appointed as trustee.
2. Trustee moves the Court to approve rejection of the Debtor’s three (3) leases with Infiniti Investors, LLC (“Lessor” or “Landlord”) effective January 24, 2015.
3. The leases are contracts for the lease of commercial real property located at 11130 Jollyville Road, Suites 100, 200, and 303, Austin, Texas 78759. It is Trustee’s business judgment that rejection of these commercial leases is in the best interest of the estate in this case.
4. The Trustee has elected to file this Motion prior to the automatic rejection of the leases pursuant to 11 U.S.C § 365 in order to avoid the administrative claim of the Landlord for the period of time prior to the automatic rejection of the Lease. Based upon information and belief, the Debtor was not in default of any aspect of the Lease as of the date of filing. Specifically, the rent for all three leases has been paid through April 2015.

5. Immediately upon entry of an order approving rejection of the leases, Landlord may take such actions as are appropriate under the terms of the leases to terminate any sub-lease or take possession of the leasehold.

6. The bar date for filing proofs of claim in this case is May 27, 2015. Landlord shall file a Proof of Claim setting forth its lease rejection damages, if any.

WHEREFORE, Trustee asks that the Court approve rejection of the leases with Infiniti Investors, LLC, and for such other relief as he may show himself justly entitled.

Respectfully submitted,

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By: /s/ Steve Turner

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CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that on the 7th day of April, 2015, a true and correct copy of the foregoing document was served upon the parties on the attached mailing matrix via electronic means as listed on the Court's ECF noticing system, by email (as indicated on the matrix) or by regular first class mail.

/s/ Steve Turner
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